

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDERY HERRERA, <i>on behalf of himself and</i>	:	
<i>all other persons similarly situated,</i>	:	
	:	
Plaintiff,	:	24-CV-8639 (VSB)
	:	
- against -	:	<u>ORDER</u>
	:	
RHINEBECK BANCORP, INC.,	:	
	:	
Defendant.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

I am in receipt of the parties' joint status letter dated May 2, 2025. (Doc. 22.) In the letter, Plaintiff requests: (1) an order "to require the injunctive relief set forth in" the Rule 68 Offer of Judgment, (*see* Doc. 14), and (2) a hearing on Plaintiff's request for attorneys' fees. It appears that the parties' Rule 68 Offer of Judgment filed April 11, 2025, (Doc. 14), was marked as a deficient filing, in part because it was missing a Proposed Judgment, (*see* Notice to Attorney minute entry dated Apr. 14, 2025). Additionally, as to attorneys' fees, the Rule 68 Offer stated "Defendant agrees to reimburse Plaintiff's reasonable attorneys' fees and costs incurred to the date of this offer, [December 13, 2024], to be determined by the Court." (Doc. 14 at 2.) Accordingly, it is hereby:

ORDERED that, no later than May 12, 2025, either party shall re-file the Rule 68 Offer of Judgment in accordance with the Notice to Attorney dated April 14, 2025, which states:

NOTICE TO ATTORNEY REGARDING DEFICIENT NOTICE OF ACCEPTANCE WITH OFFER OF JUDGMENT. Notice to attorney Jeffrey Michael Gottlieb to RE-FILE Document No. 14 Notice of Acceptance with Offer of Judgment. The filing is deficient for the following reason(s): (1) the notice of acceptance with offer of judgment was not filled; (2) the proposed judgment was

not filed. Re-file the document using the event type Notice of Acceptance With Offer of Judgment found under the event list Notices - attach the correct signed and dated PDF(s) for the offer and notice of acceptance, plus proof of service - select the correct filer/filers. Immediately file the proposed judgment using the event type Proposed Judgment located under the event list Proposed Orders.

The Court will then direct the entry of an amended judgment.

IT IS FURTHER ORDERED that Plaintiff's request for a hearing is DENIED. No later than fourteen (14) days from the date of the entry of any amended judgment, Plaintiff may file a motion for an award of attorneys' fees. *See* Fed. R. Civ. P. 54(d)(2). Any opposition to such motion shall be due seven (7) days after any fee motion is filed. Prior to the filing of any fee motion, the parties shall endeavor to reach a mutual resolution of the fee issue.

SO ORDERED.

Dated: May 5, 2025
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", with a horizontal line drawn underneath the name.

Vernon S. Broderick
United States District Judge